

2.4.3. Sexual Harassment Complaint, Investigation, and Grievance Procedures and Responsibilities

A. General Policy Statement and Policy Purpose.

1. The University of Texas at Tyler (the University) is committed to maintaining a learning and working environment that is free from discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act (SaVE Act). Sexual misconduct is a form of sex discrimination and will not be tolerated. As stated in the definition, sexual misconduct includes sexual harassment, sexual violence, sexual assault, stalking, domestic violence and/or dating violence. Individuals who engage in sexual misconduct and other inappropriate sexual conduct will be subject to disciplinary action.
2. The University will take prompt disciplinary action against any individuals or organizations within its control who violate this Policy. The University encourages any student, faculty, staff or visitor to promptly report violations of this Policy to an individual identified in Section C.2.
3. The purpose of this policy is to set forth the procedures by which complaints or reports of sexual harassment and sexual misconduct will be resolved in a timely and equitable manner.

B. Applicability and Persons Affected.

1. This Policy applies to all University administrators, faculty, staff, students, and third parties within the University's control, including visitors and applicants for employment. It applies to conduct regardless of where it occurs, including off University property, if it potentially affects the complainant's education or employment with the University. It also applies regardless of the gender, gender identity or sexual orientation of the complainant or the respondent. In addition, it applies whether the complaint was made by or against a third party, and whether the complaint was made verbally or in writing.

C. Filing a Complaint and Reporting Violations.

1. All Members of the University Community, Third Party and Anonymous Complaints. All administrators, faculty, staff, students, and third parties are strongly encouraged to immediately report any incidents of sexual misconduct (including sexual harassment and sexual violence) and other inappropriate sexual conduct to the Title IX Coordinator or Deputy Coordinators.
 - a. Anonymity. Individuals wishing to remain anonymous can file a complaint in any manner, including by telephone or written communication with the Title IX Coordinator or a Deputy Coordinator; however, electing to remain anonymous may greatly limit the University's ability to stop the harassment, collect evidence, or take effective action against individuals or organizations accused of violating the Policy.



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- b. Confidentiality. The University has an obligation to maintain an environment free of sex discrimination, thus many University employees have mandatory reporting and response obligations and may not be able to honor a complainant's request for confidentiality. Complainants who want to discuss a complaint in strict confidence may use the resources outlined in Section C.5.
 - c. Timeliness of Complaint. Complaints should be reported as soon as possible after the complainant becomes aware of the inappropriate conduct. Delays in reporting can greatly limit the University's ability to stop the harassment, collect evidence, and/or take effective action against individuals or organizations accused of violating the Policy.
2. Responsible Employees. Incidents of sexual misconduct (including sexual harassment and sexual violence) and other inappropriate sexual conduct may also be reported to Responsible Employees. A Responsible Employee is a University employee who has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee, or an employee whom an individual could reasonably believe has this duty. Responsible employees include all administrators, faculty, supervisory staff, resident life directors and advisors, and graduate teaching assistants, except any employee with confidentiality obligations as defined in Section C.5. Responsible Employees can find contact information for the Title IX Coordinator and Deputy Coordinators at the following website: <http://www.uttyler.edu/titleix/index.php> (<http://www.uttyler.edu/titleix/index.php>)
3. Reporting to Law Enforcement. Complaints of sexual misconduct may also be made to The University of Texas at Tyler Police Department at 903-566-7300 (non-emergency) or 911 (emergency) or to the City of Tyler Police Department 903-531-1090 (non-emergency) or 911 (emergency) or to other local law enforcement authorities. The Title IX Deputy Coordinators can help individuals contact these law enforcement agencies. Employees and students with protective or restraining orders relevant to a complaint are encouraged to provide a copy to the University Police Department.

If a complaint of sexual misconduct is reported to the University Police Department, it shall advise the complainant of his or her right to file a complaint under this Policy. To the extent allowed by law and University policy, the University Police Department shall also notify the Title IX Coordinator of the complaint, and provide the Title IX Coordinator or the individual investigating the complaint access to any related University law enforcement records, so long as doing so does not compromise any criminal investigation.
4. Reporting to Outside Entities. An individual wishing to make a complaint may also contact the U.S. Department of Education, Office for Civil Rights (OCR) to complain of sex discrimination or sexual misconduct including sexual violence:

Office for Civil Rights
U.S. Department of Health and Human Services
1301 Young Street, Suite 1169
Dallas, TX 75202
Phone: (800) 537-7697
FAX: (214) 767-0432

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5. Employees may also contact the U.S. Equal Employment Opportunity Commission to complain of sex discrimination or sexual harassment:

U.S. Equal Employment Opportunity Commission
Dallas District Office
207 S. Houston Street, 3rd Floor
Dallas, TX 75202
Phone: (800) 669-4000
FAX: (214) 253-2720

6. Confidential Support and Resources. Physical and mental health care professionals and pastoral counselors (including those who act in that role under the supervision of these individuals), are prohibited by confidentiality laws from reporting any information about an incident to anyone, in any way that identifies the victim, without the victim's permission. Thus, students may discuss an incident with a counselor in Counseling and Psychological Services, a health care provider in Health Services, the clergyperson of the student's choice, or an off-campus resource (i.e. rape crisis center, doctor, psychologist, etc.) without concern that the incident will be reported to the Title IX Coordinator. Employees may also seek assistance from the Employee Assistance Program, their own personal health care provider, the clergyperson of the employee's choice, or an off-campus rape crisis resource without concern that the incident will be reported to the Title IX Coordinator. The University and community resources that provide such services are:

On-Campus Confidential Resources:

University Health Clinic
3310 Patriot Dr. Tyler TX 75701
Office Hours: 8 a.m. - 5 p.m.
903-939-7870

Student Counseling Center
UC Room 3170
Office Hours: 8 a.m. - 5 p.m.
903-566-7254

Off-Campus Confidential Resources:

East Texas Crisis Center
Smith County
Phone: 903-509-2526
24/7 Crisis Line 903-595-5591,
1-800-333-0358

24/7 Domestic Violence Hotlines
1-800-799-7233 (national) 1-800-787-3224
24/7 Sexual Assault Hotline 1-800-656-HOPE (national)

Texas Bar Lawyer Referral, Legal Aid
205 W. 9th Street, Suite 110
Austin, TX 78701
800.204.2222, Ext.2146 (Texas Bar)
512-476-7244 (Legal Aid)
-Free legal service
-Legal clinics; legal advice

Employee Assistance Program through UT System
1-800- 346-3549

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<http://www.livingwell.utsystem.edu/eap.htm> (<http://www.livingwell.utsystem.edu/eap.htm>)

7. Immunity. In an effort to encourage reporting of sexual misconduct, the University may grant immunity from student disciplinary action to a person who voluntarily initiates a report of sexual misconduct or assists a complainant, if that person acts in good faith in reporting a complaint or participating in an investigation. This immunity does not extend to the person's own violations of this Policy.

8. Title IX Officer, Coordinator and Deputy Coordinators. The Title IX Officer, Coordinator and Deputy Coordinators are:

Dr. Howard Patterson

Title IX Officer

VP for Student Affairs

Phone: 903-566-7350

Ben Carter

Title IX Coordinator

Office of Human Resources

Phone: 903-565-5968

Email: bcarter@uttyler.edu (<mailto:bcarter@uttyler.edu>)

Ona Tolliver

Deputy Title IX Coordinator

Assistant Vice President for

Student Affairs and Dean of Students

Phone: 903-565-5651

Email: OTolliver@uttyler.edu (<mailto:OTolliver@uttyler.edu>)

Stefani Webb

Deputy Title IX Coordinator

Athletics

Phone: 903-565-5980

Email: swebb@uttyler.edu (<mailto:swebb@uttyler.edu>)

D. Parties' Rights Regarding Confidentiality.

The University has great respect for the privacy of the parties in a complaint. Under federal law, however, Responsible Employees who receive a report of sexual misconduct must share that information with the Title IX Coordinator and/or a Deputy Coordinator. Those individuals may need to act to maintain campus safety and must determine whether to investigate further under Title IX, regardless of the complainant's request for confidentiality.

In the course of the investigation, the University may share information only as necessary with people who need to know to fulfill the purposes of this Policy and applicable law, such as investigators, witnesses, and the respondent. The University will take all reasonable steps to ensure there is no retaliation against a complainant. The University will comply with the Family Educational Rights and Privacy Act (FERPA), with Texas Education Code Sec. 51.971 and other confidentiality laws as they apply to Title IX investigations. To the extent possible, the University will also protect the privacy of all parties to a report of sexual misconduct.

E. Victim Resources

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1. Immediate Assistance.

- a. **Healthcare.** An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within 4 days of the incident. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, go directly to the emergency department of ETMC Tyler, Mother Frances Hospital Tyler, or the nearest hospital that provides SAFE services.

For more information about the SAFE, see <http://hopelaws.org/> (<http://hopelaws.org/>) or <https://www.texasattorneygeneral.gov/victims/sapcs.shtml#survivors> (<https://www.texasattorneygeneral.gov/victims/sapcs.shtml#survivors>). The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases where a report will not be made to the police, the Texas Department of Public Safety. This does not include fees related to medical treatment that are not a part of the SAFE.

- b. **Police Assistance.** The University encourages individuals who have experienced sexual misconduct to make a report to the police. It is important to note that a police department's geographic jurisdiction depends on where the sexual misconduct occurred. If the incident occurred on the University campus, a report may be filed with the UT Tyler Police Department by calling 903-566-7300 or in person at UT Tyler Police Department headquarters at 3410 Varsity Drive Tyler, TX 75799, even if time has passed since the assault occurred.

The UT Tyler Police Department can also assist with filing any protective orders. Reporting an assault to law enforcement does not mean that the case will automatically go to criminal trial or to a University disciplinary hearing. If the University police are called, a uniformed officer will be sent to the scene to take a detailed statement. A ride to the hospital may be provided by a police department counselor. A report may be filed with the University police even if the assailant was not a University student or employee. If the incident occurred in the City of Tyler, but off campus, a report may be filed with the Tyler Police Department, even if time has passed since the assault occurred. If a report is made to the police, a uniformed officer will usually be dispatched to the location to take a written report.

- c. **Counseling and Other Services.** A person who has experienced sexual violence is strongly encouraged to seek medical and psychological care even if he or she does not plan to request a SAFE or report the assault to the police. He or she may be prescribed medications to prevent sexually transmitted infections and/or pregnancy even if the police are not contacted or if a SAFE is not performed.

Medical care can be provided at University Health Services (for students only), at a local emergency room, or by a private physician. Psychological support can be provided by the Student Counseling Center (students), Employee Assistance (employees), a referral through the Employee Assistance Program, or a care provider of the individual's choosing.

Students desiring counseling should contact:

The Student Counseling Center

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UC Room 3170
Office Hours: 8 a.m. - 5 p.m.
903.566.7254

Faculty and staff should contact:
The Employee Assistance Program through UT System
1-800-346-3549
<http://www.livingwell.utsystem.edu/eap.htm> (<http://www.livingwell.utsystem.edu/eap.htm>)

2. Interim Measures and Ongoing Assistance.

In addition to the services provided by on- and off-campus providers, the University will take immediate and interim measures to assure the safety and well-being of the complainant, to maintain an environment free from harassment, discrimination or retaliation, and to protect the safety and well-being of community members.

For example, if the accused is an employee, interim action may include reassignment and suspension. If the accused is a student, interim action may include suspension, no contact orders, changing living arrangements, modifying the course schedule, or modifying other aspects of the educational environment. Interim action may also include allowing the complainant to move to a new residence hall, change work schedules, alter academic schedules, and withdraw from or retake a class without penalty. Moreover, the University may be able to provide additional accommodations for a complainant while an investigation is pending.

F. Intake Procedures and Protocol.

1. Key Officials in an Investigation.

- a. **Title IX Coordinator.** The Title IX Coordinator is the senior University administrator who oversees the University's compliance with Title IX. The Title IX Coordinator is responsible for leading the administrative investigation of reports of sexual misconduct and is available to discuss options, provide support, explain University policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators. Any member of the University community may contact the Title IX Coordinator with questions.
- b. **Investigators.** The Title IX Coordinator will ensure that complaints are properly investigated under this Policy. The Title IX Coordinator will also ensure that investigators are properly trained at least annually to conduct investigations that occur under this Policy. The Title IX Deputy Coordinators shall supervise and advise the Title IX investigators when conducting investigations and update the Title IX Coordinator as necessary.

2. Assessment of Complaint.

The Title IX Coordinator or designee will conduct a preliminary assessment of the complaint and determine whether a formal resolution or an informal resolution should occur. Informal resolution may be appropriate:

- a. With a complaint solely of sexual harassment, not including sexual violence as defined in this Policy; and

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b. When both parties are categorically similar (i.e. employee/employee or student/student).

3. Notification of University Offices Offering Assistance. After receiving a complaint, the Title IX Coordinator or Deputy Coordinator shall direct Student Services for students or Human Resources for employees to inform the complainant of available resources and assistance. While taking into consideration requested confidentiality, Student Services for students and the Human Resources office may serve as a liaison between the complainant and the Title IX Coordinator during the investigation.

4. Informal Resolution of Certain Sexual Harassment Complaints.

A complainant may use this option instead of or before filing a formal complaint, but is not required to do so. Also, this option is not permitted for sexual violence cases. Anyone who believes that he or she has been subject to sexual misconduct may immediately file a formal complaint as described in Section C of this Policy. An individual wishing to use the informal resolution process should contact the Title IX Coordinator.

a. Informal Assistance. In certain sexual harassment complaints, an individual may not wish to file a formal complaint. If informal assistance is deemed appropriate by the Title IX Coordinator or designee, then the individual will be provided assistance in informally resolving the alleged sexual harassment. Assistance may include providing the complainant with strategies for communicating with the offending party that his or her behavior is unwelcomed and should cease, directing a University official to inform the offending party to stop the unwelcomed conduct, or initiating mediation. However, the University may take more formal action, including disciplinary action, to ensure an environment free of sexual harassment or sexual misconduct.

b. Timeframe. Informal resolutions should be completed no later than 10 business days after the Title IX Coordinator receives the request for informal resolution.

c. Confidentiality and Documentation. The University will document and record informal resolutions. The Title IX Coordinator will retain the documentation. If the individual's wish to remain anonymous limits the University's ability to establish facts and eliminate the potential harassment, the University will attempt to find the right balance between the individual's desire for privacy and confidentiality and its responsibility to provide an environment free of sexual harassment.

5. Formal Complaint and Investigation.

Formal Complaint. To begin the investigation process, the complainant should submit a signed, written statement setting out the details of the conduct that is the subject of the complaint, including the complainant's name, signature, and contact information; the name of the person directly responsible for the alleged violation; a detailed description of the conduct or event that is the basis of the alleged violation; the date(s) and location(s) of the occurrence(s); the names of any witnesses to the occurrence(s); the resolution sought; and any documents or information that is relevant to the complaint. The University may initiate an investigation regardless of the manner in which a complaint is received or whether a complaint is received at all. However, the complainant is strongly encouraged to file a written complaint. If the complaint is not in writing, the investigator should prepare a statement of what he or she understands the complaint to be and ask the complainant to verify that statement. The University office receiving the complaint should refer the

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complaint to the Title IX Coordinator.

Investigation.

- a. An investigator will be assigned to investigate the complaint.
- b. As part of the investigation process, the complainant and the respondent will be provided notice of the complaint and allowed a reasonable time to respond in writing.
- c. The complainant and the respondent may present any document or information that is believed to be relevant to the complaint.
- d. Persons thought to have information relevant to the complaint will be interviewed, and those interviews will be appropriately documented. Both the respondent and the complainant may recommend witnesses for interview and suggest questions that should be asked. Neither the complainant nor the respondent will normally attend these interviews or the gathering of evidence; however, if either one is permitted to attend, the other shall have the same right.
- e. The investigation of a complaint will be concluded as soon as possible after receipt of the written complaint. In investigations exceeding 60 days, a justification for the delay will be presented to and reviewed by the Title IX Coordinator or his/her supervisor. The complainant, respondent, and supervisor should be provided updates on the progress of the investigation and issuance of the report.
- f. After the investigation is complete, a written report will be issued to the Title IX Coordinator and the appropriate administrator. The appropriate administrator will depend on the status of the respondent (i.e., student, faculty or employee). The report shall include factual findings and a preliminary conclusion of whether a policy violation occurred (based on a "preponderance of the evidence" standard).
- g. After the written report is completed, the complainant and respondent will be allowed to inspect the report or, at the university's discretion, provided letters summarizing the findings in the report in keeping with FERPA and Texas Education Code, Section 51.971. If a letter is provided, it will contain enough detail to allow the complainant and respondent to comment on the adequacy of the investigation. Each will have 7 business days from the date of receipt (as indicated on the return receipt) to submit written comments regarding the investigation to the Title IX Coordinator.
- h. Within 7 business days after the deadline for receipt of comments from the complainant and respondent, the Title IX Coordinator or his or her designee will: (1) request further investigation into the complaint; (2) dismiss the complaint if it is determined that no violation of policy or inappropriate conduct occurred; or (3) find that the Policy was violated. A decision that the Policy was violated shall be based on the record.

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- i. If the Title IX Coordinator or his or her designee determines that the Policy was violated, he or she will refer the matter for disciplinary action under the applicable disciplinary policies and procedures, which depend on the status of the respondent (i.e., student, faculty or employee).
 - j. The complainant and the respondent shall be informed concurrently in writing of the decision in accordance with section F.5.g of this Policy.
 - k. The appropriate administrator will impose disciplinary action or sanction(s) in accordance with the applicable policies and procedures dependent on the status of the respondent (i.e., student, faculty or employee).
6. Standard of Proof. All investigations under this Policy will use the preponderance of the evidence standard to determine violations of this Policy.
7. Timelines. Barring any unforeseen and reasonable delays, the University will endeavor to resolve complaints under this Policy no later than 60 calendar days after the initial report was received by the Responsible Employee. If the investigation and resolution exceeds 60 calendar days, the University will notify all parties in writing of the reason for the delay and the expected time frame adjustment. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.
- At the request of law enforcement, the University may defer its fact-gathering until after the initial stages of a criminal investigation. The University will nevertheless communicate with the complainant regarding his/her Title IX rights, procedural options, the status of the investigation, and the implementation of interim measures to ensure his/her safety and well-being. The University will also communicate with the respondent regarding his/her Title IX rights, procedural options and information regarding the status of the investigation. The University will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation, or if the fact-gathering is not completed in a reasonable time.
- The filing of a complaint under this Policy does not excuse the complainant from meeting time limits imposed by outside agencies. Likewise, the applicable civil or criminal statute of limitations will not affect the University's investigation of the complaint.
8. Remedies. In addition to sanctions that may be imposed pursuant to the appropriate disciplinary policy, the University will take appropriate action(s), including but not limited to those below to resolve complaints of sexual misconduct, prevent any recurrence and, as appropriate, remedy any effects:

- a. Imposing sanctions against the respondent, including attending training, suspension, termination or expulsion;
- b. Ensuring the complainant and respondent do not share classes, working environments or extracurricular activities;
- c. Making modifications to the on campus living arrangements of the respondent or complainant (if the

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complainant requests to be moved);

- d. Providing comprehensive, holistic victim services including medical, counseling and academic support services, such as tutoring;
- e. Providing the complainant extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
- f. Determining whether sexual misconduct adversely affected the complainant's university standing;
- g. Designating an individual specifically trained in providing trauma-informed comprehensive services to victims of sexual violence to be on call to assist victims whenever needed;
- h. Conducting, in conjunction with University leaders, a University climate check to assess the effectiveness of efforts to ensure that the University is free from sexual misconduct, and using that information to inform future proactive steps that the University will take;
- i. Providing targeted training for a group of students if, for example, the sexual misconduct created a hostile environment in a residence hall, fraternity or sorority, or on an athletic team. Bystander intervention and sexual misconduct prevention programs may be appropriate;
- j. Issuing policy statements or taking other steps to clearly communicate that the University does not tolerate sexual misconduct and will respond to any incidents and to any individual who reports such incidents.

These remedies are separate from, and in addition to, any interim measures that may have been provided before the end of the University's investigation. If the complainant did not take advantage of a specific service (e.g., counseling) when offered as an interim measure, the complainant should still be offered, and is still entitled to, appropriate final remedies that may include services the complainant declined as an interim measure. A refusal at the interim stage does not mean the refused service or set of services should not be offered as a remedy.

9. Sanctions and Discipline. Disciplinary action against faculty and employees will be handled under the University's policies for discipline and dismissal of faculty and employees. Disciplinary actions may include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension, and dismissal. The Dean of Students will impose disciplinary action, if any, against a student under the University's student disciplinary procedures. Student disciplinary actions may include, but are not limited to, probation, suspension, or expulsion.

HOP Policy 4.16.4 Discipline and Dismissal of Classified Employees (<https://smartcatalogiq.com/sitecore/shell/Controls/Rich%20Text%20Editor/en/UTTyler/2015-2016-HOP/Series-400-Business-Affairs/4-16-4-Discipline-and-Dismissal-of-Classified-Employees>)

HOP Policy 3.1.11 Termination of Employment of a Faculty Member (/en/UTTyler/2015-2016-HOP/Series-300-Faculty-and-Academic-Policies/3-1-11-Termination-of-Employment-of-a-Faculty-Member)

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Manual of Policies and Procedures for Student Affairs, Chapter 8, Student Conduct and Discipline
(<http://www.uttyler.edu/mopp/documents/8Student%20Conduct%20and%20Discipline.pdf>)

In accordance with federal law, when disciplinary action is commenced because of a violation of this Policy, the above policies will provide both parties equal opportunities in all aspects of the process including notices and advisor representation. Further, the standard of proof in determining the outcome will be the "preponderance of the evidence," as defined in this policy.

G. Provisions Applicable to the Investigation.

1. Assistance. During the investigation process, a complainant or respondent may be assisted by an advisor, who may be an attorney; however, the advisor may not actively participate in a meeting or interview.
2. Time Limitations. Time limitations in these procedures may be modified by the Title IX Coordinator or appropriate administrator on a written showing of good cause by the complainant, respondent, or the University.
3. Concurrent Criminal or Civil Proceedings. The University will not wait for the outcome of a concurrent criminal or civil justice proceeding to take action. The University has an independent duty to investigate complaints of sexual misconduct. (Except as provided in Sec. F.7).
4. Documentation. The University shall document complaints and their resolution and retain copies of all materials in accordance with state and federal records laws and University policy.

H. Dissemination of Policy and Educational Programs.

1. This Policy will be made available to all University administrators, faculty, staff, and students online at <http://www.uttyler.edu/ohr/hop/> (<http://www.uttyler.edu/ohr/hop/>) and in University publications. Periodic notices will be sent to University administrators, faculty, staff and students about the University's Sexual Harassment/Sexual Misconduct Policy. The notice will include information about sexual misconduct, including the complaint procedure, and about University disciplinary policies and available resources, such as support services, health, and mental health services. The notice will specify the right to file a complaint under this Policy and with law enforcement and will refer individuals to designated offices or officials for additional information.
2. Ongoing Sexual Misconduct Training. The University's commitment to raising awareness of the dangers of sexual misconduct includes offering ongoing education through annual training and lectures by faculty, staff, mental health professionals, and/or trained University personnel. The University will periodically educate and train employees and supervisors regarding the Policy and conduct that could constitute a violation of the Policy. Preventive education and training programs will be provided to University administrators, faculty, staff, and students and will include information about risk reduction, including bystander intervention. Training on sexual harassment and sexual violence policy and procedures will be provided to law enforcement personnel, including training on their obligation to advise University administrators, faculty, staff, and students of their rights to file a complaint under this Policy and their right to file a criminal complaint.

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<http://www.uttyler.edu/compliance/training.php> (<http://www.uttyler.edu/compliance/training.php>)

3. Training of Coordinators, Investigators, Hearing and Appellate Authorities. All Title IX Coordinators, Deputy Coordinators, investigators, and those with authority over sexual misconduct hearings and appeals shall receive training each academic year about offenses, investigatory procedures, due process, and University policies related to sexual misconduct.

I. Additional Conduct Violations.

1. Retaliation. Any administrator, faculty member, student or employee who knowingly and intentionally retaliates in any way against an individual who has brought a complaint under this Policy, participated in an investigation or disciplinary process of such a complaint, or opposed any unlawful practice, is subject to disciplinary action up to and including dismissal or separation from the University.
2. False Complaints. Any person who knowingly and intentionally files a false complaint under this Policy is subject to disciplinary action up to and including dismissal or separation from the University. A finding of non-responsibility does not indicate a report was false.
3. Interference with an Investigation. Any person who knowingly and intentionally interferes with an ongoing investigation conducted under this Policy is subject to disciplinary action up to and including dismissal or separation from the University. Interference with an ongoing investigation may include, but is not limited to:
 - a. Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
 - b. Removing, destroying, or altering documentation relevant to the investigation; or
 - c. Providing false or misleading information to the investigator, or encouraging others to do so.
4. No Effect on Pending Personnel or Academic Actions Unrelated to the Complaint. The filing of a complaint under this Policy will not stop or delay any action unrelated to the complaint, including: (1) any evaluation or disciplinary action relating to a complainant who is not performing up to acceptable standards or who has violated University rules or policies; (2) any evaluation or grading of students participating in a class, or the ability of a student to add/drop a class, change academic programs, or receive financial reimbursement for a class; or (3) any job-related functions of a University employee. Nothing in this section shall limit the University's ability to take interim action.

J. Documentation.

The University shall confidentially maintain information related to complaints under this Policy, as required by law. The Title IX Coordinator will document each complaint or request for assistance under this Policy, whether made by a victim, a third party, or anonymously, and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law. Any person who knowingly and intentionally makes an unauthorized disclosure of confidential information contained in a

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complaint or otherwise related to the investigation of a complaint under this Policy is subject to disciplinary action.

K. Annual Reporting and Notice.

The University's Title IX General Policy Statement will be made available to all students, faculty, and employees online, in required publications and in specified departments. On an annual basis, and upon any updates to this Policy, the University will send notice of its compliance with Title IX as required by law. The annual notice shall designate the Title IX Coordinator and Deputy Coordinators, explain which offenses are prohibited and where to report violations of this Policy, provide information regarding victim resources, and provide a link to this Policy and other related University websites.

L. Definitions and Examples.

Consent – A voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Past consent does not imply future consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual activity.

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

The definition of consent for the crime of sexual assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.

Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be determined by the victim with consideration of the following factors:

- a. The length of the relationship;
- b. The type of relationship; and
- c. The frequency of interaction between the persons involved in the relationship

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

Domestic (Family) Violence – includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Texas.

Hostile Environment – exists when sex-based harassment is sufficiently severe or pervasive to deny or limit the individual's ability to participate in or benefit from the University's programs or activities or an employee's terms and conditions of employment. A hostile environment can be created by anyone involved in a University's program or activity (e.g., administrators, faculty members, employees, students, and University

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visitors).

In determining whether sex-based harassment has created a hostile environment, the University considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not adequate, that the conduct was unwelcome to the individual who was harassed. To conclude that conduct created or contributed to a hostile environment, the University must also find that a reasonable person in the individual's position would have perceived the conduct as undesirable or offensive.

To ultimately determine whether a hostile environment exists for an individual or individuals, the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of the persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and (5) the degree to which the conduct affected an individual's education or employment.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

First Amendment Considerations: this Policy does not impair the exercise of rights protected under the First Amendment. The University's sexual misconduct policy prohibits only sex-based harassment that creates a hostile environment. In this and other ways, the University applies and enforces this Policy in a manner that respects the First Amendment rights of students, faculty, and others.

Incapacitation – A state of being that prevents an individual from having the capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability.

Intimidation – Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Other Inappropriate Sexual Conduct – Includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but is unprofessional, inappropriate for the workplace or classroom and is not protected speech. It also includes consensual sexual conduct that is unprofessional and inappropriate for the workplace or classroom.

Preponderance of the Evidence – The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this Policy. This standard is satisfied if the action is deemed more likely to have occurred than not.

Responsible Employee – A University employee who has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee, or an employee whom an individual could reasonably believe has this duty. Responsible employees include all administrators, faculty, supervisory staff, resident life directors and advisors, and graduate teaching assistants, except any employee with confidentiality obligations as defined in Section C.5. Incidents of sexual misconduct (including sexual harassment and sexual violence) and other inappropriate sexual conduct may also be reported to Responsible Employees.

Retaliation – Any adverse action threatened or taken against someone because the individual has filed, supported, provided information in connection with a complaint of sexual misconduct or engaged in other legally protected activities. Retaliation includes, but is not limited to, intimidation, threats or harassment against any complainant, witness or third party.

Sexual Assault – An offense that meets the definition of rape, fondling, incest, or statutory rape:

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- a. Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- b. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Sexual Exploitation – Occurs when an individual takes non-consensual or abusive sexual advantage of another for his or her own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.

Sexual Harassment – Unwelcome conduct of a sexual nature including but not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when submission to such conduct is made either explicitly or implicitly a term or condition of a person's student status, employment, or participation in University activities; such conduct is sufficiently severe or pervasive that it interferes with an individual's education, employment, or participation in University activities, or creates an objectively hostile environment; or such conduct is intentionally directed towards a specific individual and has the effect of unreasonably interfering with that individual's education, employment, or participation in University activities, or creating an intimidating, hostile, or offensive environment. Sexual harassment is a form of sex discrimination that includes:

- a. Sexual violence, sexual assault, stalking, domestic violence and dating violence as defined herein.
- b. Physical conduct, depending on the totality of the circumstances present, including frequency and severity, including but not limited to:
 - i. unwelcome intentional touching; or
 - ii. deliberate physical interference with or restriction of movement.
- c. Verbal conduct not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea, including oral, written, or symbolic expression, including but not limited to:
 - i. explicit or implicit propositions to engage in sexual activity;
 - ii. gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
 - iii. gratuitous remarks about sexual activities or speculation about sexual experiences;
 - iv. persistent, unwanted sexual or romantic attention;
 - v. subtle or overt pressure for sexual favors;
 - vi. exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials; or
 - vii. deliberate, repeated humiliation or intimidation based upon sex.

Sexual Misconduct – A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes, but is not limited to, sexual assault, sexual exploitation,

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sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.

Sexual Violence – Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. The term includes, but is not limited to, rape, sexual assault, sexual battery, sexual coercion, sexual abuse, indecency with a child, and/or aggravated sexual assault.

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. For the purposes of this definition—

- a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

M. Relevant Federal and State Statutes, and Standards.

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688 and its implementing regulations, 34 C.F.R. Part 106

Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e–2000e-17 and its implementing regulations 29 C.F.R. §1604 11.

Clery Act, 20 U.S.C 1092(f) and its implementing regulations 34 C.F.R. Part 668

FERPA Regulations, 34 C.F.R. Part 99

N. Other Relevant Policies, Procedures, and Forms.

Regents' Rules and Regulations, Rule 30105, Sexual Harassment, Sexual Misconduct, and Consensual Relationships

University of Texas System Administration Systemwide Policy (UTS 184), Consensual Relationships

Regents' Rules and Regulations, Rule 31008, Termination of a Faculty Member

HOP Policy 4.16.4 Discipline and Dismissal of Classified Employees (/en/UTTyler/2015-2016-HOP/Series-400-Business-Affairs/4-16-4-Discipline-and-Dismissal-of-Classified-Employees)

Manual of Policies and Procedures for Student Affairs, Chapter 8, Student Conduct and Discipline (<http://www.uttyler.edu/mopp/documents/8Student%20Conduct%20and%20Discipline.pdf>)

O. Responsibility for Implementing this Policy.

1. The Title IX Officer oversees UT Tyler compliance efforts with regard to Title IX of the Education Amendments of 1972 and advises the President and Executive level leadership on the current climate of Title IX . This individual provides leadership and consultation for Title IX initiatives across UT Tyler and builds partnerships to facilitate a broad program. Further, this individual supervises the Title IX Coordinator to oversee UT Tyler's response

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and investigation of alleged violations of Title IX.

2. For complaints or reports alleging that University students or applicants for admission engaged in sexual harassment, Title IX Coordinator is charged with implementing this policy. For complaints alleging that faculty, staff, or other employees engaged in sexual harassment or sexual misconduct the Title Coordinator is charged with implementing this policy.
3. Title IX Coordinator is responsible for determining what immediate and effective steps can be taken to end any sexual harassment and protect the alleged victim. This includes taking interim steps during any grievance or disciplinary process while protecting the rights of the accused individual.
4. The Title IX Coordinator is responsible for advising alleged victims of their right to file a complaint with the appropriate student, faculty, or staff discipline process. Title IX Coordinator must also decide if a case should be referred to the appropriate discipline process if the alleged victim does not wish to file such a complaint.
5. In cases involving potential criminal conduct, the Title IX Coordinator shall determine, in consultation with University police, if criminal authorities need to be notified and must advise the alleged victim of their right to file a criminal complaint.
6. The Title IX Coordinator shall explain the options available under informal (Section F.4 above) and formal (Section F.5 above) processes.
7. Police Office Responsibilities:
 - a. In cases where an incident is reported to University police, the police must advise the alleged victims of their right to file a sexual harassment complaint under this policy.
 - b. University police shall provide University officials investigating sexual harassment complaints access to any related University law enforcement records as permitted by state and federal law and so long as it does not compromise any criminal investigation.

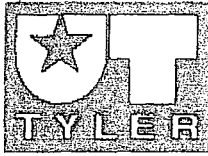
P. Review.

This policy shall be reviewed by the Director of Human Resources every five years or as Legislation changes.

Date Amended: October 19, 2015

Approved: 11/23/15

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SEXUAL HARASSMENT COMPLAINT, INVESTIGATION, AND GRIEVANCE PROCEDURES AND RESPONSIBILITIES

A. Policy and Purpose.

The University of Texas at Tyler is committed to the principle that the University's working and learning environment be free from inappropriate conduct of a sexual nature. Sexual harassment in any form will not be tolerated and individuals who engage in such conduct will be subject to disciplinary action.

The purpose of this policy is to set forth the procedures by which complaints or reports of sexual harassment and sexual misconduct will be resolved in a timely and equitable manner.

B. Applicability

These policies and procedures are applicable to all complaints or reports of sexual harassment or sexual misconduct made against University administrators, faculty, staff, students, visitors, and applicants for employment or admission. It applies to conduct regardless of where it occurs, including off University property, if it potentially affects the alleged victim's education or employment. It also applies regardless of the gender of the complainant or the alleged harasser.

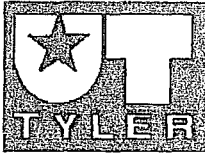
C. Definitions

1. **Sexual Misconduct and Sexual Harassment by University administrators, faculty, staff, applicants for employment, and visitors** is defined under Sexual Misconduct and Sexual Harassment in the Handbook of Operating Procedures.
2. **Sexual Harassment by University students and applicants for admission** is defined under Sexual Misconduct and Sexual Harassment in the Handbook of Operating Procedures.

D. Filing a Complaint of Sexual Harassment and Reporting Responsibilities

1. The University of Texas at Tyler encourages any person who believes that he or she has been subjected to sexual harassment to immediately utilize the procedures set forth in this policy to address incidents of sexual harassment or sexual misconduct.
2. Every supervisor, administrator, and University official is responsible for promptly reporting incidents of sex discrimination and sexual harassment that come to their attention to either the Office of the Dean of Students or to Equal Opportunity Services.
3. Students, faculty, and staff who witness or are aware of suspected incidents of sexual harassment are strongly encouraged to immediately report the incident to:

For Employees: Joe Vorsas: Associate VP for Business Affairs and Director of Human Resources. Phone: 903-566-7234. Email: jvorsas@uttyler.edu.



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For Students: Ona Tolliver: Assistant VP for Student Affairs and Dean of Students.
Phone: 903-565-5651. Email: otolliver@uttyler.edu.

E. When to File a Complaint

Complaints and reports of sexual harassment should be filed as soon as possible after the conduct giving rise to the complaint. Delay in filing or reporting can greatly limit the University's ability to stop the harassment and take effective action against the alleged perpetrator.

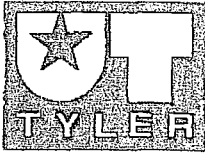
If a complaint is to be reported and filed, a Complaint form will need to be completed and submitted to the appropriate contact listed below.

For Staff and Faculty: Joe Vorsas: Associate VP for Business Affairs and Director of Human Resources. Phone: 903-566-7234. Email: jvorsas@uttyler.edu.

For Students: Ona Tolliver: Assistant VP for Student Affairs and Dean of Students.
Phone: 903-565-5651. Email: otolliver@uttyler.edu.

F. Responsibility for Implementing this Policy

1. For complaints or reports alleging that University students or applicants for admission engaged in sexual harassment, the Office of the Dean of Students ("Dean of Students") is charged with implementing this policy. For complaints alleging that faculty, staff, or other employees engaged in sexual harassment or sexual misconduct the Human Resources Office ("Equal Opportunity Office") is charged with implementing this policy.
2. The Dean of Students or Equal Opportunity Office is responsible for determining what immediate and effective steps can be taken to end any sexual harassment and protect the alleged victim. This includes taking interim steps during any grievance or disciplinary process while protecting the rights of the accused individual.
3. The Dean of Students or Equal Opportunity Office is responsible for advising alleged victims of their right to file a complaint with the appropriate student, faculty, or staff discipline process. The Dean of Students or Equal Opportunity Office must also decide if a case should be referred to the appropriate discipline process if the alleged victim does not wish to file such a complaint.
4. In cases involving potential criminal conduct, the Office of the Dean of Students or Equal Opportunity Office shall determine, in consultation with University police, if criminal authorities need to be notified and must advise the alleged victim of their right to file a criminal complaint.
5. The Dean of Students or Equal Opportunity Office shall explain the options available under informal (Section 7 below) and formal (Section 8 below) processes.
6. Police Office Responsibilities:



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- a. In cases where an incident is reported to University police, the police must advise the alleged victims of their right to file a sexual harassment complaint under this policy.
- b. University police shall provide University officials investigating sexual harassment complaints access to any related University law enforcement records as permitted by state and federal law and so long as it does not compromise any criminal investigation.

G. Counseling Services

Counseling services are available to all University administrators, faculty, staff, and students, including victims of sexual harassment or assault. Counselors are available to advise such individuals of their options under University policy and procedures.

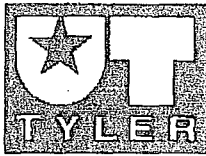
Students desiring counseling should contact: Student Counseling Center: 903-566-7254

Faculty and staff should contact: UT Employee Assistance Program: 800-346-3549

H. Informal Resolution

This process may be used as a prelude to filing a formal complaint or as an alternative; however, it is not necessary that this option be used and it is not appropriate for sexual violence cases. Anyone who believes that he or she has been subject to sexual harassment or sexual misconduct may immediately file a formal complaint as described in Section 8 of this policy. An individual wishing to utilize the informal resolution process should contact the Dean of Students or the Equal Opportunity Office, as appropriate.

1. Informal Assistance. The individual is provided assistance in attempting to resolve possible sexual harassment or sexual misconduct if the individual does not wish to file a formal complaint. Such assistance includes strategies for the individual to effectively inform the offending party that his or her behavior is unwelcomed and should cease, action by an appropriate university official to stop the unwelcomed conduct, or mediation. However, the University may take more formal action, including disciplinary action, to ensure an environment free of sexual harassment or sexual misconduct.
2. Timeframe. Informal resolutions should be completed within 30 days from receipt of a request for informal resolution.
3. Confidentiality and Documentation. The University will document and record informal resolutions. The Office of the Dean of Students or the Equal Opportunity Office, as appropriate, will retain such documentation. Where the individual's desire to maintain anonymity constrains attempts at establishing facts and eliminating the potential harassment, the University will attempt to find the right balance between the individual's



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desire for privacy and confidentiality with the responsibility of the University to provide an environment free of sexual harassment.

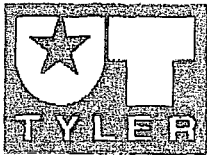
I. Complaint Investigation Procedures

1. **Formal Complaint.** In order to initiate the investigation process, the complainant should submit a signed, written statement setting out the details of the conduct that is the subject of the complaint, including the complainant's name, signature, and contact information; the name of the person directly responsible for the alleged violation; a detailed description of the conduct or event that is the basis of the alleged violation; the date(s) and location(s) of the occurrence(s); the names of any witnesses to the occurrence(s); the resolution sought; and any documents or information that is relevant to the complaint. While an investigation may begin on the basis of an oral complaint, the complainant is strongly encouraged to file a written complaint. When the Dean of Students or the Equal Employment receives a complaint with a written statement or a report, the office should refer the complaint to the appropriate office responsible for addressing the complaint or report.

2. **Investigation.**

- a. The Dean of Students or the Equal Opportunity Office, as appropriate, is responsible for investigating formal complaints. If the complaint is not in writing, the investigator should prepare a statement of what he or she understands the complaint to be and seek to obtain verification of the complaint from the complainant.
- b. Within five working days after receipt of a complaint, the Dean of Students or the Equal Opportunity Office, as appropriate, may either dismiss the complaint or authorize an investigation of the complaint. A complaint may be dismissed if the facts alleged in the complaint, even if taken as true, do not constitute sexual misconduct or sexual harassment; the complaint fails to allege any facts that suggests sexual misconduct or sexual harassment occurred; or the appropriate resolution or remedy has already been achieved, or has been offered and rejected.

If it is determined that a complaint will not be investigated, the Dean of Students or the Equal Opportunity Office, as appropriate, will send the complainant a notification letter explaining the reason and informing the complainant that, within 10 working days of the notification, he or she may appeal the decision not to proceed with a complaint investigation to the Vice President for Business Affairs or the Vice President for Student Affairs, as appropriate. The written appeal must explain why the decision to dismiss the complaint was in error. The appropriate vice president will respond within 20 working days of receipt of the appeal. The vice president's decision is final. If the decision to dismiss is overturned, the complaint is sent back to



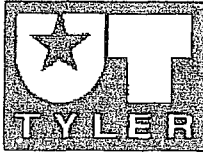
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Equal Opportunity Office or the Office of the Dean of Students, as appropriate, for investigation in accordance with the procedures outlined below.

- c. As part of the investigation process, the accused individual shall be provided with a copy of the complaint and allowed a reasonable time to respond in writing.
- d. The complainant and the accused individual may present any document or information that is believed to be relevant to the complaint.
- e. Persons thought to have information relevant to the complaint will be interviewed and such interviews will be appropriately documented. Both the accused individual and the complainant may recommend witnesses for interview and suggest questions that should be asked. Neither the complainant nor the accused individual would normally attend investigation interviews of witnesses or the gathering of evidence; however, if either one is permitted to attend, the other shall have the same right.
- f. The investigation of a complaint will be concluded as soon as possible after receipt of the written complaint. In investigations exceeding 60 days, a justification for the delay will be presented to and reviewed by the vice president overseeing the investigative office. The complainant, accused individual, and supervisor should be provided updates on the progress of the investigation and issuance of the report.
- g. Upon completion of the investigation, a written report will be issued. The report shall include a recommendation of whether a violation of the sexual harassment and/or sexual misconduct policy occurred, an analysis of the facts discovered during the investigation, recommended disciplinary action if a violation of the policy occurred, and any recommended remedial action (see a list of possible remedies for students at Appendix A). Factual conclusions shall be based upon a "preponderance of the evidence" standard.
- h. A copy of the report will be sent to the appropriate administrative official, the appropriate vice president, the complainant, and the respondent. The complainant and respondent have seven working days from the date of the report to submit comments regarding the report to the administrative official. If a complaint is against a student, then the right to receive and comment on the report shall be controlled by the Family Education Rights and Privacy Act.
- i. Within five (5) working days after receiving any comments submitted by the complainant or respondent, the appropriate administrative official will take one of the following actions: (1) request further investigation into the complaint; (2) dismiss the complaint if the results of the completed investigation are inconclusive or there is not a preponderance of the evidence, i.e., there is insufficient reasonable, credible evidence, to support the allegation(s); or (3) find that the sexual harassment or sexual misconduct policy was violated. A decision that the policy was violated shall be



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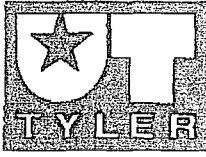
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made upon the record provided by the investigator, any comments submitted by the complainant or respondent, and the totality of circumstances surrounding the conduct complained of, including but not limited to the context of that conduct, its severity, its frequency, and whether it was physically threatening, humiliating, or was simply offensive in nature. Facts will be considered on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual.

- j. If the appropriate administrative official determines that the sexual harassment or sexual misconduct policy was violated, he or she will refer the matter for possible disciplinary action in accord with the applicable disciplinary procedures. Implementation of disciplinary action against faculty and employees will be handled in accordance with the University's policy and procedures for discipline and dismissal of faculty and employees. Disciplinary actions may include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension, and dismissal. The Dean of Students will impose disciplinary action, if any, against a student in accordance with the University's student disciplinary procedures. Student disciplinary actions may include, but are not limited to, probation, suspension, or expulsion.
- k. The complainant and the respondent shall be informed in writing of the administrative official's decision and be provided a copy of the final statement of findings. However, if a complaint is filed against a student, then the complainant will receive this information as permitted by the Family Education Rights and Privacy Act.
 - i. Both parties shall be afforded an opportunity to appeal the decision to the Dean of Students or the Vice President for Business Affairs, as appropriate, whose review of the appeal shall be limited to the grievance report, related documents, and any written appeal statements. Both parties shall be given an opportunity to submit a written statement on the appeal. The written statement of appeal must be submitted to the Dean of Students or the Vice President for Business Affairs no later than five working days after receipt of the grievance report. A copy of the written statement of appeal shall then be provided to the non-appealing party, who shall have an additional five working days in which to file a written response. The appropriate vice president will respond within 20 working days of receipt of the full appeal and any response. The vice president's decision is final.

J. Provisions Applicable to All Complaints

- 1. Assistance. During the complaint process, a complainant or respondent may be assisted by a person of his or her choice, who may be an attorney; however, the assistant may not examine witnesses or otherwise actively participate in a meeting or interview.



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2. Time Limitations. Time limitations in these procedures may be modified by the Dean of Students or Equal Opportunity Office upon a written showing of good cause by either party or the University.
3. Concurrent Criminal or Civil Proceedings. Police and criminal or civil justice procedures, findings, or outcomes are not determinative of either these grievance procedures or University disciplinary procedures. The University does not wait for criminal or civil justice outcomes to take action as it has an independent duty to respond to complaints of misconduct, including sexual harassment.
4. Documentation. The University shall document complaints and their resolution and retain copies of all materials in accord with State and Federal records laws and University policy. The Office of the Dean of Students or the Office of Equal Employment Opportunity as appropriate shall retain such documentation and will release it only as permitted by law.

K. Dissemination of Policy and Education

1. This policy will be made available to all students, faculty, and employees online and in publications. Periodic notices will be sent to students, faculty, and employees about the University's Sexual Harassment and Sexual Misconduct Policy. The notice will include information about sexual harassment and sexual violence, including the complaint procedure, and about University disciplinary policies, and available resources, such as counseling, health, and mental health services. The notice will specify the right to file a complaint under University disciplinary procedures and with law enforcement and will refer individuals to designated offices or officials for additional information.
2. The University will periodically educate and train employees and supervisors regarding the policy and conduct that could constitute a violation of the policy. Preventive education and training programs will be provided to students, faculty, and staff. Training on sexual harassment and sexual violence policy and procedures will be provided to law enforcement personnel, including their obligation to advise students of their right to file a complaint under these procedures as well as to file a criminal complaint.

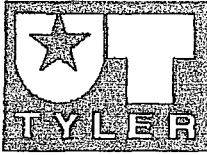
L. Title IX Coordinator

1. The University's designated Title IX coordinator is:

For Staff and Faculty: Joe Vorsas: Associate VP for Business Affairs and Director of Human Resources. Phone: 903-566-7234. Email: jvorsas@uttyler.edu.

For Students: Ona Tolliver: Assistant VP for Student Affairs and Dean of Students. Phone: 903-565-5651. Email: otolliver@uttyler.edu.

2. The Title IX Coordinator's duties include:



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- a. Overseeing sexual harassment complaints and identifying and addressing any patterns or systemic problems.
- b. Being available to meet with students.
- c. Reviewing cases brought before disciplinary committees to determine whether the complainant is entitled to a remedy under Title IX that was not available through the disciplinary process.
- d. Ensuring that periodic assessments are conducted of the University's sexual harassment programs, policies, and procedures.
- e. Ensuring that the University has robust notice practices and education programs for students, faculty, and staff in accord with Department of Education regulations and guidelines.

M. Authority/Related Policies

Sexual harassment is a form of sex discrimination under Title VII of the Civil Rights Act of 1964, Title IX of the Civil Rights Act of 1972, and the Texas Labor Code, and it is illegal, and actionable under civil and criminal law.

Sexual Harassment by Faculty or Staff Sexual Misconduct and Sexual Harassment

Consensual Relations Sexual Misconduct and Sexual Harassment

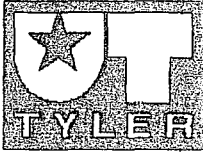
Faculty Disciplinary Procedures Sexual Misconduct and Sexual Harassment

Staff Disciplinary Procedures Sexual Misconduct and Sexual Harassment

Student Disciplinary Procedures Sexual Misconduct and Sexual Harassment

N. Review

This policy shall be reviewed by the Director of Human Resources every five years or as legislation changes.



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SEXUAL HARASSMENT COMPLAINT, INVESTIGATION, AND GRIEVANCE PROCEDURES AND RESPONSIBILITIES

APPENDIX A

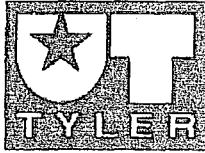
List of possible remedies for student complainants and the broader student population:

[Depending on the specific nature of the problem, remedies for the complainant might include, but are not limited to those listed below. Some of these remedies also can be used as interim measures before the school's investigation is complete.]

- providing an escort to ensure that the complainant can move safely between classes and activities;
- ensuring that the complainant and alleged perpetrator do not attend the same classes;
- moving the complainant or alleged perpetrator to a different residence hall or, in the case of an elementary or secondary school student, to another school within the district;
- providing counseling services;
- providing medical services;
- providing academic support services, such as tutoring;
- arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and
- reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined. (For example, if the complainant was disciplined for skipping a class in which the harasser was enrolled, the school should review the incident to determine if the complainant skipped the class to avoid contact with the harasser.)

Remedies for the broader student population might include, but are not limited to:

- offering counseling, health, mental health, or other holistic and comprehensive victim services to all students affected by sexual harassment or sexual violence, and notifying students of campus and community counseling, health, mental health, and other student services;
- designating an individual from the school's counseling center to be "on call" to assist victims of sexual harassment or violence whenever needed;
- training the Title IX coordinator and any other employees who are involved in processing, investigating, or resolving complaints of sexual harassment or sexual violence, including providing training on:

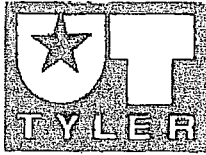


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SEXUAL HARASSMENT COMPLAINT, INVESTIGATION, AND GRIEVANCE PROCEDURES AND RESPONSIBILITIES

- the school's Title IX responsibilities to address allegations of sexual harassment or violence
- how to conduct Title IX investigations
- information on the link between alcohol and drug abuse and sexual harassment or violence and best practices to address that link;
- training all school law enforcement unit personnel on the school's Title IX responsibilities and handling of sexual harassment or violence complaints;
- training all employees who interact with students regularly on recognizing and appropriately addressing allegations of sexual harassment or violence under Title IX; and
- informing students of their options to notify proper law enforcement authorities, including school and local police, and the option to be assisted by school employees in notifying those authorities.]



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SEXUAL HARASSMENT BY FACULTY, STAFF, OR VISITOR

A. Policy

The University of Texas at Tyler is committed to the principle that the University's working and learning environment be free from inappropriate conduct of a sexual nature. Sexual misconduct and sexual harassment in any form will not be tolerated and individuals who engage in such conduct will be subject to disciplinary action.

B. Applicability

This policy applies to all University administrators, faculty, staff, visitors, and applicants for employment. It applies to conduct regardless of where it occurs, including off University property, if it potentially affects the alleged victim's education or employment. It also applies regardless of the gender of the complainant or the alleged harasser.

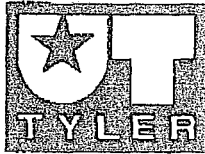
The policy that applies to student conduct can be found at: Sexual Misconduct and Sexual Harassment.

C. Definitions

1. **Sexual Misconduct:** Sexual misconduct includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but is unprofessional and inappropriate for the workplace or classroom.
2. **Sexual Harassment:** Sexual harassment includes:
 - a. Any criminal offense under the Texas Penal Code of a sexual nature, including rape, sexual assault, sexual battery, assault, sexual coercion, or other acts of sexual violence; and
 - b. Unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when:
 - i. submission to such conduct is made either explicitly or implicitly a term or condition of employment or student status; or
 - ii. submission to or rejection of such conduct is used as a basis for evaluation in making personnel or academic decisions affecting that individual; or
 - iii. such conduct has the purpose or effect of unreasonably interfering with an individual's performance as an administrator, faculty member, staff or student, or creating an intimidating, hostile, or offensive environment.

D. Filing a Complaint of Sexual Harassment and Reporting Responsibilities

1. The University of Texas at Tyler encourages any person who believes that he or she has been subjected to sexual harassment to immediately file a complaint or grievance in accordance with the University's policy on "Sexual Harassment Complaint,"



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SEXUAL HARASSMENT BY FACULTY, STAFF, OR VISITOR

Investigation, and Grievance Procedures and Responsibilities," HOP under the link: Sexual Misconduct and Sexual Harassment Policy.

2. Every supervisor, administrator, and University official is responsible for promptly reporting incidents of sex discrimination and sexual harassment that come to their attention to either the Office of the Dean of Students or to Equal Opportunity Services.
3. Students, faculty, and staff who witness or are aware of suspected incidents of sexual harassment are strongly encouraged to immediately report the incident to:

For Staff and Faculty: Joe Vorsas: Associate VP for Business Affairs and Director of Human Resources. Phone: 903-566-7234. Email: jvorsas@uttyler.edu.

For Students: Ona Tolliver: Assistant VP for Student Affairs and Dean of Students. Phone: 903-565-5651. Email: otolliver@uttyler.edu.

4. Investigation and resolution of complaints and reports of sexual harassment will normally be handled in accordance with the University's policy on "Sexual Harassment Complaint, Investigation, and Grievance Procedures and Responsibilities," HOP 2.4.3; however, complaints can also be filed under the relevant disciplinary procedure:

Student conduct: Dean of Students

Faculty conduct: The individual's supervisor

Staff conduct: The individual's supervisor

E. When to File a Complaint

Complaints should be filed as soon as possible after the conduct giving rise to the complaint. Delay in filing can greatly limit the University's ability to stop the harassment and take effective action against the alleged perpetrator.

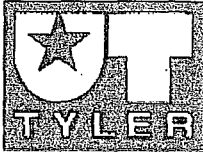
If a complaint is to be reported and filed, a Complaint form will need to be completed and submitted to the appropriate contact listed below.

For Staff and Faculty: Joe Vorsas: Associate VP for Business Affairs and Director of Human Resources. Phone: 903-566-7234. Email: jvorsas@uttyler.edu.

For Students: Ona Tolliver: Assistant VP for Student Affairs and Dean of Students. Phone: 903-565-5651. Email: otolliver@uttyler.edu.

F. Related/Additional Conduct Violations

1. **Retaliation.** An administrator, faculty member, student, or employee who retaliates in any way against an individual who has brought a complaint pursuant to the University's sexual harassment policy or against an individual who has participated in an investigation of such a complaint is subject to disciplinary action, including dismissal.



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SEXUAL HARASSMENT BY FACULTY, STAFF, OR VISITOR

2. False Complaints. Any person who knowingly and intentionally files a false complaint under the University's sexual harassment policy is subject to disciplinary action up to and including dismissal from the University.

G. Authority/Related Policies

Sexual harassment is a form of sex discrimination under Title VII of the Civil Rights Act of 1964, Title IX of the Civil Rights Act of 1972, and the Texas Labor Code, and it is illegal, and actionable under civil and criminal law.

Sexual Harassment Complaint, Investigation, and Grievance Procedures and Responsibilities Sexual Misconduct and Sexual Harassment.

Sexual Harassment by Students Sexual Misconduct and Sexual Harassment.

Consensual Relations Sexual Misconduct and Sexual Harassment.

Faculty Disciplinary Procedures Sexual Misconduct and Sexual Harassment.

Staff Disciplinary Procedures Sexual Misconduct and Sexual Harassment.

Student Disciplinary Procedures Sexual Misconduct and Sexual Harassment.

H. Review

This policy shall be reviewed by the Director of Human Resources every five years or as legislation changes.

2.4.1 Nondiscrimination Policy and Complaint Procedure

A. Purpose

To make sure that no person shall be excluded from participation in, denied the benefits of, or be subject to discrimination under, any program or activity sponsored or conducted by The University of Texas System or any of its institutions, on the basis of race, color, national origin, religion, sex, sexual orientation, age, veteran status, or disability.

B. Authority/Persons Affected

Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq., and its implementing regulation at, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin.

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1618 et seq., and its implementing regulation at, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 (amended 1992), and its implementing regulation at, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability.

Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §12132, and its implementing regulation at, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability.

The Age Discrimination Act of 1975, 42 U.S.C. §6101 et seq., and its implementing regulation at, 34 C.F.R. Part 110, which prohibit discrimination on the basis of age.

Persons affected: This policy applies to all University administrators, faculty, staff, students, visitors and applicants for employment or admission. This policy is the principal prohibition of all forms of discrimination on campus, except as follows:

- The University's controlling policy and procedure relating to sexual harassment and sexual misconduct can be found in the Handbook of Operating Procedures.

C. Definitions

1. **Discrimination**, including harassment, is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education on account of race, color, national origin, religion, sex, sexual orientation, age, veteran status, or disability.
2. **Harassment**, as a form of discrimination, is defined as verbal or physical conduct that is directed at an individual or group because of disability, sex, age, race, color, national origin, religion, citizenship, veteran status, or sexual orientation when such conduct is sufficiently severe, pervasive or persistent so as to substantially interfere with an individual's or group's academic or work performance; or of creating a hostile academic or work environment. Constitutionally protected expression cannot be considered harassment under this policy.

3. **Contact Information** for the Director of Human Resources and Chief Student Affairs Officer are:

Director of Human Resources, UT Tyler, 3900 University Blvd., Tyler Texas, 75799, Phone: (903)566-7234, (for employee or job applicant assistance on matters regarding Title II, Title IX, Section 504, ADA, EEO, and Age Act)

Vice President for Student Affairs, UT Tyler, 3900 University Blvd., Tyler, Texas 75799, Phone: (903)566-7350, (for student assistance on matters regarding Title II, Title IX, Section 504, and Age Act)

D. Policy and Procedures

1. Resolution Options

A person who believes that he or she has been subjected to discrimination or harassment in violation of this policy and seeks to take action may use either the informal resolution process or the formal complaint process, or both. The informal resolution and formal complaint resolution process described in this policy are not mutually exclusive and neither is required as a pre-condition for choosing the other; however, they cannot both be used at the same time.

2. Informal Resolution Process

This process may be used as a prelude to filing a formal complaint or as an alternative. It is not necessary that this option be used. Anyone who believes that he or she has been subject to discrimination may immediately file a formal complaint as described in Section VI of this policy. Informal resolution may be an appropriate choice when the conduct involved is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. No formal investigation is involved in the informal resolution process.

- a. **Reporting.** Students wishing to use the informal resolution process should contact the Chief Student Affairs Officer. All other individuals wishing to utilize the informal resolution process should contact the Director of Human Resources. In either case, reporting of the alleged offense must be reported within sixty (60) calendar days from the date of the alleged offense.
 - b. **Informal Assistance.** The individual is provided assistance in attempting to resolve possible discrimination if the individual does not wish to file a formal complaint. Such assistance includes strategies for the individual to effectively inform the offending party that his or her behavior is offensive and should cease, action by an appropriate University official to stop the offensive conduct, modification of the situation in which the offensive conduct occurred, or mediation between the parties. However, the University may take more formal action to ensure an environment free of discrimination.
 - c. **Timeframe.** Informal resolutions will be completed within thirty (30) calendar days from receipt of a request for informal resolution.
 - d. **Confidentiality and Documentation.** The University will document informal resolutions. The Office of Student Affairs or the Office of Human Resources, as appropriate, will retain such documentation. The University will endeavor to maintain confidentiality to the extent permitted by law. Where the individual's desire to maintain anonymity constrain attempts at establishing facts and eliminating the potential harassment, the University will attempt to find the right balance between the individual's desire for privacy and confidentiality with the responsibility of the University to provide an environment free of unlawful discrimination.
3. **Formal Complaint Procedures** (This complaint procedure also constitutes the grievance procedure for complaints alleging unlawful sex discrimination required under Title IX of the Education Amendments of 1972. As used herein, "complaint" is synonymous with "grievance.")

a. **Reporting**

- i. The University of Texas at Tyler encourages any person who believes that he or she has been subjected to discrimination to immediately report the incident to his or her supervisor, to the appropriate supervisor of the accused faculty member or employee, to the Director of Human Resources, or when a student is the accused individual, to the Chief Student Affairs Officer. The complainant will be advised of the procedures for filing a formal complaint of discrimination. When a supervisor or the Chief Student Affairs Officer receives a complaint, he or she will immediately notify the Director of Human Resources.
- ii. Complaints should be filed as soon as possible after the conduct giving rise to the complaint, but no later than thirty (30) calendar days after the event occurred. In the case of a currently enrolled student, if the last day for filing a complaint falls prior to the end of the academic semester in which the alleged violation occurred, then the complaint may be filed within thirty (30) calendar days after the end of that semester.
- iii. In order to initiate the investigation process, the complainant should submit a signed, written statement setting out the details of the conduct that is the subject of the complaint, including the complainant's name, signature, and contact information; the name of the person directly responsible for the alleged violation(s); a detailed description of the conduct or event that is the basis of the alleged violation; the date(s) and location(s) of the occurrence(s); the names of any witnesses to the occurrence(s); the resolution sought; and any documents or information that is relevant to the complaint. While an investigation may begin on the basis of an oral complaint, the complainant is strongly encouraged to file a written complaint. When a supervisor or the Chief Student Affairs Officer receives a complaint with a written statement, he/she shall immediately notify the Director of Human Resources.

b. **Complaint Investigation**

- i. The Chief Student Affairs Officer or Director of Human Resources, as appropriate, is responsible for investigating formal complaints. If the complaint is not in writing, the investigator should prepare a statement of what he or she understands the complaint to be and seek to obtain verification of the complaint from the complainant.

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- ii. Within five (5) calendar days of receipt of a complaint, the Chief Student Affairs Officer or Director of Human Resources, as appropriate, may either dismiss the complaint or authorize an investigation of the complaint. A complaint may be dismissed if the facts alleged in the complaint, even if taken as true, does not constitute discrimination; the complaint fails to allege any facts that suggest discrimination occurred; or the appropriate resolution or remedy has already been achieved, or has been offered and rejected.

If it is determined that a complaint will not be investigated, the Chief Student Affairs Officer or Director of Human Resources, as appropriate, will send the complainant a notification letter explaining the reason for the dismissal and informing the complainant that, within ten (10) calendar days of the notification letter, he or she may appeal the decision not to proceed with a complaint investigation to the appropriate vice president. The written appeal must explain why the decision to dismiss the complaint was in error. The appropriate vice president will respond within twenty (20) calendar days of receipt of the appeal. The vice president's decision is final. If the decision to dismiss is overturned, the complaint will be sent back to the Chief Student Affairs Officer or Director of Human Resources, as appropriate, for investigation in accordance with the procedures outlined below.

- iii. As part of the investigation process, the accused individual shall be provided with a copy of the complaint and allowed ten (10) calendar days from the date the accused received the complaint within which to file a written response.
- iv. The complainant and the accused individual may present witnesses and any document or information that is believed to be relevant to the complaint.
- v. Any persons thought to have information relevant to the complaint will be interviewed and such interviews will be appropriately documented.
- vi. The investigation of a complaint will be concluded as soon as possible but within thirty (30) calendar days after receipt of the written complaint. In investigations exceeding forty-five (45) calendar days, a justification for the delay will be presented to and reviewed by the appropriate vice president overseeing the investigative office. The complainant, accused individual and appropriate supervisor will be provided an update on the progress of the investigation after the review.
- vii. Within ten (10) calendar days of the completion of the investigation, a written report will be issued. The report shall include: a recommendation of whether a violation of the policy occurred, an analysis of the facts discovered during the investigation, any relevant evidence, and recommended disciplinary action if a violation of the policy occurred.
- viii. A copy of the report will be sent to the appropriate vice president, the complainant and the accused individual. The complainant and accused individual have ten (10) calendar days from the date of the report to submit comments regarding the report to the vice president. However, if a complaint is filed against a student, then the complainant and accused individual may not receive or comment on the report due to the Family Educational Rights and Privacy Act's (20 U.S.C. §1232g) restrictions on disclosure of educational records.
- ix. Within twenty (20) calendar days of receiving any written comments submitted by the complainant or accused individual, the vice president will take one of the following actions: a) request further investigation into the complaint; b) dismiss the complaint if the results of the completed investigation are inconclusive or there is insufficient reasonable, credible evidence to support the allegation(s); or c) find that this policy was violated. A decision that this policy was violated shall be made upon the record provided by the investigator and any comments submitted by the complainant or accused individual; and shall be based on the totality of circumstances surrounding the conduct complained of, including but not limited to: the context of that conduct, its severity, frequency, whether it was physically threatening, humiliating, or was simply offensive in nature. Facts will be considered on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual.
- x. If the vice president determines that this policy was violated, he or she will take disciplinary action that is appropriate for the severity of the conduct. Disciplinary actions can include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension, and dismissal. Disciplinary actions against students can include probation, suspension, or expulsion from the University.

xi. The complainant and the accused individual shall be informed within ten (10) calendar days in writing of the vice president's decision and be provided a copy of the final statement of findings. However, if a complaint is filed against a student, then the complainant may not receive information prohibited by the Family Educational Rights and Privacy Act.

xii. Implementation of disciplinary action against faculty and employees will be handled in accordance with the University's policy and procedures for discipline and dismissal of faculty and employees. The Chief Student Affairs Officer will impose disciplinary action, if any, against a student in accordance with the University's student disciplinary procedures.

4. Provisions Applicable To All Complaints

- a. **Assistance.** During the complaint process, a complainant or accused individual may be assisted by a person of his or her choice; however, the assistant may not examine witnesses or otherwise actively participate in a meeting or interview.
- b. **Retaliation.** An administrator, faculty member, student or employee who retaliates in any way against an individual who has brought a complaint pursuant to this policy or an individual who has participated in an investigation of such a complaint is subject to disciplinary action, including dismissal.
- c. **Prevention of Recurrence.** If discriminatory conduct is found to have existed, the University will take appropriate steps to (1) prevent recurrence of any such discriminatory conduct, and (2) correct its effects on the complainant and others, if appropriate.
- d. **False Complaints/Statements.** Any person who knowingly and intentionally files a false complaint under this policy or knowingly and intentionally makes false statements in the course of an investigation is subject to disciplinary action up to and including dismissal from the University.
- e. **Confidentiality and Documentation.** The University shall document complaints and their resolution. The Office of Student Affairs or the Office of Human Resources, as appropriate, shall retain such documentation. To the extent permitted by law, complaints and information received during the investigation will remain confidential. Relevant information will be provided only to those persons who need to know in order to achieve a timely resolution of the complaint.
- f. **Monitoring.** Periodic monitoring of complaint resolutions will be conducted by the Director of Human Resources to ensure that discriminatory practices are no longer a factor in the workplace or academic environment, and that no retaliation for filing the complaint has taken place.

5. Dissemination Of Policy

- a. The policy will be made available to all faculty, employees and students. New employees will receive nondiscrimination and EEO training within thirty (30) calendar days of being hired and will sign a written acknowledgment attesting that they have received the training. All employees will complete and verify that they have received EEO and nondiscrimination training at least every other year via The Training Post online training system or through training provided by a trainer certified by The Texas Commission on Human Rights in providing EEO and nondiscrimination training. Periodic notices sent to students, employees and faculty about the University's Nondiscrimination Policy will include information about the complaint procedure and will refer individuals to designated offices or officials for additional information.
- b. The University will periodically educate and train employees and supervisors regarding the policy and conduct that could constitute a violation of the policy.

E. Responsibilities

See Policy and Procedures section.

F. Review

This policy shall be reviewed by the Director of Human Resources every five years or as legislation changes.

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LAST AMENDED: 02/01/15

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